

the last 6 years cringing over the feeling that their product was so deadly. No, they decided to crank up the nicotine levels in popular brands of cigarettes. They made their deadly product even harder to quit using. If you are one of the 70 percent of smokers who really want to quit, tried to quit and haven't been able to, thank the manufacturers of that cigarette you are smoking; they made sure there is enough nicotine in every pack so that it is tough for you to stop your addiction.

Of course, the cigarette industry won't even consider informing their customers of the higher levels of nicotine. Instead, the companies ran ad campaigns promoting "light" and "low tar" brands—descriptions that were meaningless and only misled people into buying and smoking more cigarettes.

Newsday wasn't the only publication to speak out on this issue. The New York Times wrote:

It is stunning to discover how easily this rogue industry was able to increase public consumption of nicotine without anyone knowing about it until Massachusetts blew the whistle. . . . It is long past time for Congress to bring this damaging and deceitful industry under Federal regulatory control.

You have to hand it to the cigarette makers. It is a great business plan. Every day, 4,000 teenagers take their first cigarette and start smoking. They don't need to smoke very long before their bodies have absorbed a lot of nicotine and they are on to an addiction. If you are addicted to cigarettes, of course, you want more of them.

The latest stand came several weeks after a Federal court found the cigarette makers guilty of racketeering. The Washington Post says of Judge Kessler's opinion that it:

. . . is moving and powerful. It is exhaustive in scope, detailed and utterly convincing that the industry sought for five decades to mislead the American people and Government concerning the deadly consequences of smoking.

After several years of litigation against the industry by the U.S. Department of Justice, Judge Kessler found:

Defendants have marketed and sold their lethal product with zeal, with deception, with the single-minded focus on their financial success, and without regard for their human tragedy or social costs that success exacted.

Two weeks after the strong rebuke of the industry's practices, the cigarette makers filed a motion with Judge Kessler. Do you know what they wanted to know? They asked if her directive to stop misleading customers about light and low-tar labels on their cigarettes meant they had to stop deceiving people overseas. They wanted to know if they could still practice their deception of their products they sell around the world, even though they have been told not to do it in the United States. What a great industry.

The Washington Post this morning said:

(I)n a sign of the boundless rapaciousness of these companies in marketing death, they had the temerity to ask [the judge] not to apply her order "to sales wholly outside the United States." If we can't continue to defraud Americans into killing themselves, they effectively asked, can we at least keep suggesting to billions of people abroad that some cigarettes are safer than others?

Think about that. They had the nerve to ask if they could sell this product overseas and continue to deceive when they have been stopped from doing so in the United States. If any doubts remain about this ruling and the willingness of this industry to play fair, last week's news put it to rest.

Nicotine levels spiked even while this trial was underway, and there was no one—no industry representative, no Federal agency, no consumer group with access to the information—no one to question the cigarette makers. If it were not for the State law and diligent health requirements in Massachusetts, we still would not know.

The very helpful nicotine replacement products people use to help them quit smoking are not very effective if the cigarettes they are trying to give up are delivering much more nicotine.

Who is going to tell the consumers?

The cigarette makers have gotten away with this latest spike in nicotine, as they have gotten away with lies and deceptions in the past.

I have proposed, along with others, regulating this industry. It is time for us to know the contents of this product, to market it in an honest fashion, and to put meaningful warning labels on cigarette packages in the hopes that we can stop young people from taking up this habit.

I have said, in my entire life, I have never heard a single parent come to me and say: I have the greatest news in the world: My daughter has decided to smoke. I have never heard that because parents know intuitively—and we all know intuitively—that it is the beginning of an addiction which can lead to compromised health and death.

I urge my colleagues who have turned their back on this tobacco issue for too long to acknowledge what has happened with these decisions and with this disclosure by the Massachusetts health department. We need to do more. We need to regulate this product, and we need to protect American consumers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I understand we are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

ISSUES FACING AMERICA

Mr. THOMAS. Mr. President, it is nice to be back after having nearly a month break. It is a good opportunity to come back and see what the rest of the world is like. I think we have a lot of great challenges before us, and I hope we can accomplish a great deal. To do that, we are going to have to have some agreement among the folks here.

I am compelled to come to the Chamber because there has been a great deal of criticism on the floor today of the Congress and the lack of activity in the Congress over time, and certainly all of us agree we could do more and we need to do more. In order to do that, we have to come to some sort of an agreement.

One of the problems with getting things done with 55 votes is that anyone can object, and it takes 60 votes to override that, and we have had a lot of that experience from our friends on the other side of the aisle. So we need to do a great deal more than we have been able to do.

I am hopeful we can begin to talk more about issues. There is a difference of view about issues. That is what the Senate is all about. There are differences of views everywhere. We ought to talk about the issues and not just talk about politics. So I hope we can address those issues in a more direct way and not just simply be critical in order to talk about the future in terms of the Congress. I am here to say we haven't done all we would like to do. No one would argue with that. On the other hand, we have accomplished quite a number of things over a period of time. We have a great deal to do and a great many challenges.

Securing the homeland has been one of the top issues, of course, because of the threats we have going back to 11 September and the continuing threats we hear about, whether it be in London or whether it be in the Middle East. There is a terror problem in this world. We have a PATRIOT Act that gives us much more strength to be able to deal with the kinds of things that are going on. We have secured the borders much more than we have in the past. Is there more to do? Absolutely. We have 14,000 agents and 25,000 beds to deal with the problem at the border.

I am one who believes we ought to be doing something on immigration. I believe we ought to continue to tighten the border. We ought to initiate efforts to define who is illegal and who isn't. We should be able to get employers to report whom they have as illegal and so on, and we need to do some of those things. I am not for giving amnesty, but we can deal with the problems we have, and I hope we can come together and do some things. We have funded the war on terror, and there is a war on terror.

Securing America's prosperity. We have heard a great deal about the economy in the last few days with the latest reports. We have created 5.3 million

jobs over the last couple of years. That is a lot of work. That is a lot of jobs. We have had a reduction in unemployment. We have had a good deal more activity in the economic sector, and there is no question about that.

Now, some places are different from others. In my State, we have had a great deal of economic opportunity. We have lower unemployment than we have had for a very long time.

We have managed to reduce taxes. I think that is a good thing. That is what has encouraged the economy. That is what has created these new job opportunities.

We cut taxes by \$70 billion. Most of us agree that we ought to be able to keep the taxes as low as we can and continue to provide the services.

We have cut entitlement growth in terms of trying to deal with the deficit. We need to do much more with the deficit, but we have cut entitlement growth—\$100 billion in the 10 years to come.

There are things that we are doing. We have accomplished a good deal, although there is much more to do. There is no question about that. But we ought to do it by planning together, by deciding together. The idea of just making this criticism doesn't get much done.

We have worked on energy. We have done a great deal on energy. Certainly we wish prices were still lower, but the fact is, we have had the energy, and that is an interesting thing. With all the dislocation there has been in the Middle East, with all the dependency we have had on energy in the Middle East, we have still been able to keep our energy supply going.

Now, interestingly enough, gas prices are going down. There are new discoveries in the gulf coast which we in the Congress opened recently. That is a very important thing to help us with energy. It could create a real opportunity for us to have lower energy prices. But the fact is, over time we have to find some new sources of energy.

We have an energy bill that is in place, an energy policy passed in this Congress for the first time in years. Now, of course, we are working on alternative sources.

Those do not happen overnight, so it will be 15 or 20 years before some of these new sources become important, but they will be, and that is the kind of looking forward that I believe we have to have.

As a result of this Congress, we have an energy policy that is working out for alternative sources, working out for more efficiency and more conservation in our use. We have to do that over time. There is no question about that.

These are very important things that have been done. If you just listen to the media and listen to what sometimes is said here, as it was this morning, you would think nothing has been done, and it has. As much as we want? Of course not. Everything we want? Of

course not. Nevertheless, a good deal has been done.

We have done some things in education. We increased the Pell grants for math and science competitiveness. We continue to strengthen our schools. More funding has gone to education. We have done that here. Those are positive things that are changing our country.

We have had a good deal of trouble with lawsuits over a period of time. We had some class action reform this past year, and bankruptcy reform, so people are treated better under the law.

We have had gun liability reform, which means a lot to many people.

I guess I continue to repeat myself, but I think it is so unfair to say that things haven't been done, that we haven't done anything, the do-nothing Congress. It is not true. Could we do more? Of course.

As I said, one of the reasons we have not done more is because, under the system, the minority can object and can stop things from happening, and has a great deal.

We have done a good deal more with our infrastructure, with highways. We have had great changes in that.

On health care—one of the things that is most important to us and which has great challenges—we have done a great deal with drugs, the Part D drug benefit. That gives more opportunities—83 percent of the people in Wyoming who are eligible have signed up for the Part D health care. I happen to work as cochairman of the group on rural health care. Rural health care is a little different, and we have to take a look at some of the problems that are different from metropolitan areas. We have accomplished a great deal, having more providers be there. We have made the cost payments equal in rural areas. So we have done a good deal there. We have worked on adult stem cell therapy with cord blood. We have done those things. There has been work on technology, work that needed to be done.

On the Supreme Court, of course, two judges have been put on the Supreme Court, 14 circuit judges, and 34 district court judges. Does that mean we have done nothing in the Congress? I don't believe that is true.

We have more to do. There is always that thought. I am disappointed we have not moved faster on the appropriations bills. Traditionally, we should be further along than we are. Part of the problem, of course, is there are real problems with spending. We have to do something about spending. We can't continue to spend at the rate that we had to spend because we had emergencies, such as Katrina and such as the war on terror and Iraq. When you do that in your business or your family, you have to change; go back and make the changes to pick up what you had to do in the emergency. That is where we are now, seeking to make those differences.

Within Government we have done some lobbying reform. It needed to be

done. We have done some of that. We have worked on the Voting Rights Act.

I guess I am a little impatient, coming back from having worked in my State where people are reasonably happy with what is happening, and then listening to the total negative reaction we have on the floor this morning about having done nothing when that is not the case. Could we do more? Of course, we should do more.

I will not take much more time, although it looks as if I could take as much time as I choose this morning. I am sure we will get on into it.

We have a lot of challenges. There is no question about that. Homeland security is one of those challenges. We have other things we need to deal with. I wish we could deal with immigration. That is one of the things I would like to do.

I am very much involved in energy, in the Energy Committee. My State is an energy State. We have a lot to do there to move forward.

In any event, I guess I am really saying we need an attitude that is a do-something attitude. We absolutely disagree about some of the issues. That is part of the system. We are going to have that as we are getting into an election. That is part of the system. But we need to be honest about the fact that we have done some things. We have things to do, and we need to work together to get them done. It seems to me that is our challenge.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THIRD WAY

Mr. CARPER. Mr. President, it is good to see you, and it is good to be back in the Senate with you and our colleagues. With tongue in cheek, people ask me what I like about the Senate. I draw an analogy about when I was in elementary school. What I liked most about elementary school was recess. Now that I serve in the Senate, I am still quite fond of recesses. It is a great time to go back home—whether it is Texas, Delaware, or anywhere—and reconnect with the folks we serve and with our families.

I just had an opportunity to talk to the Presiding Officer about what he did. It is good to be back and to recharge the batteries and to focus. Now that we are back, I look forward to doing that with you, Mr. President.

Twelve years ago this summer, six Democratic centrist Senators pulled together to provide support for the founding and launching of something called Third Way. Third Way is a think tank which seeks to find a third way to